

# **EXHIBIT “B”**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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YEYSON MANUEL VARGAS-MOYA,

Plaintiff,

-against-

A. DUIE PYLE, INC. and LESZEK KEDZIERSKI,

Defendants.  
-----X

Docket No.: 18-cv-00188  
(RRM) (JO)

**EXPERT WITNESS  
DISCLOSURE  
PURSUANT TO FRCP  
RULE 26**

**PLEASE TAKE NOTICE** that pursuant to Rule 26(a)(2)(C) of the Federal Rules of Civil Procedure (“FRCP”) Plaintiff, YEYSON MANUEL VARGAS-MOYA, by and through their attorneys, ELEFTERAKIS, ELEFTERAKIS & PANEK, hereby submits the following expert witness disclosure:

Plaintiff anticipates calling surgeon Dr. Leonid Reyfman, as an expert witness at the time of trial. Dr. Reyfman is an Anesthesiologist with a focus on Pain Medicine and treated Plaintiff with regard to the injuries incurred in the current matter.

A copy of the *curriculum vitae* (“CV”) for Dr. Leonid Reyfman will be provided under separate cover.

A list of testimony that Dr. Reyfman has previously provided is currently being compiled. Please note that Dr. Reyfman has not kept records concerning the case caption, Index number, or docket number, to identify each case in which he has provided testimony. Therefore, the forthcoming list will provide the names of those patients/plaintiffs for whom Dr. Reyfman recalls having provided testimony. Additionally, Plaintiff’s counsel herein will be performing their own research regarding any trials and/or deposition testimony, to the extent the same is available.

Dr. Reyfman will be relying on his professional skill, experience and knowledge, discovery exchanged in this action, and relevant treatises and texts.

Additionally, Dr. Reyfman will also testify about the anatomy in general, and specifically with regard to Plaintiff's injuries as detailed via his operative report dated August 17, 2016.

Plaintiff expressly reserves the right to supplement this response upon completion of future visits and records generated therefrom.

Dr. Reyfman compensation will be provided under separate cover upon receipt of said information.

Dr. Reyfman will testify based on the medical treatment that Plaintiff has been receiving from the time of the accident until the present including his personal examinations of the Plaintiff, as well as those examinations from other treating physicians. Dr. Reyfman will also testify as to the necessity for medical treatment which Plaintiff will require in the future including, but not limited to, the need for future pain management and/or surgery of the cervical and/or lumbar spine, including a laminectomy, discectomy and/or fusion of the cervical spine and/or revision and expansion/extension surgery of the lumbar spine; adjacent segment syndrome disorder; the need for future surgery of the lumbar spine including a laminectomy, discectomy and/or fusion and/or any revision surgeries; future orthopedic visits; future neurological visits; future pain management visits; future physical therapy visits, future pain medication, future diagnostic testing and future rehabilitation services. He will also testify as to the prospective cost of these future services.

Dr. Reyfman's testimony will be based upon his own examinations of the Plaintiff, and diagnostic tests taken of said Plaintiff, including X-Ray films, CT Scans, EMG's and/or MRI films (for which authorizations have previously been exchanged), the deposition testimony of the Plaintiff, opinions and medical records of Plaintiff's other treating physicians, hospital records, reports, and trial testimony.

Dr. Reyfman will also testify about the anatomy in general, including the anatomy of the spine, specifically the lumbar and cervical spine.

Dr. Reyfman will testify that Plaintiff suffered an injury to his lumbar spine and/or cervical spine as a result of the subject incident that occurred on June 9, 2016.

Dr. Reyfman will testify regarding the surgical procedures that Plaintiff had, including, but not limited to, an Anterior Cervical Discectomy at C4-C5 performed on May 18, 2017 by Dr. Vadim Lerman upon the finding of a C4-C5 disc herniation with cervical myeloradiculopathy with progressive neurological deficits in the upper extremities as well as early signs of myelopathy; a interlaminar cervical epidural steroid injection performed at levels C6-7 by Dr. Reyfman on August 17, 2016; as well as various thoracic and lumbar herniations and bulges, *inter alia*. He will also testify as to the extent, if applicable, of any radiculopathy, as well as the symptoms and conditions associated with such.

Dr. Reyfman will testify that Plaintiff will suffer from post-traumatic arthritis of the lumbar and cervical spine; that Plaintiff is a candidate for further surgical intervention, including, but not limited to, future cervical and/or lumbar discectomy, laminectomy, and/or fusion; as well as the potential for revision and expansion of the lumbar spine due to adjacent segment syndrome disorder, that Plaintiff still suffers from pain, swelling and has limited range of motion of the lumbar and cervical spine; and that Plaintiff will suffer from chronic pain and continue to have loss of mobility in the aforementioned areas.

Furthermore, Dr. Reyfman will also testify regarding the extent to which, if any, the injuries sustained as a result of the subject accident exacerbated and/or aggravated any asymptomatic prior conditions to any body part injured in the accident in question.

Dr. Reyfman will also testify regarding hypotheticals based upon Plaintiff's injuries to the lumbar and cervical spine.

Dr. Reyfman will testify that all the above injuries are permanent in nature and are causally connected to the Plaintiff's accident of June 9, 2016.

Dr. Reyfman will give testimony and opinion regarding the Plaintiff's past, present, and future prognosis within a reasonable degree of medical certainty.

Dr. Reyfman will be relying upon his professional skill, experience, knowledge, and discovery exchanged (including but not limited to, deposition transcripts, photographs, accident reports, etc.) in this matter as well as relevant treatises and texts.

**PLEASE TAKE NOTICE** that to the extent that Defendants issue a subpoena and/or notice to the above individual to appear for a deposition and/or to produce records, a copy of said subpoena and notice should be noticed to Plaintiff's counsel, *supra*. To the extent that Defendants receive any records in response to said subpoena and/notice, at any time, a copy of such records should be immediately forwarded to Plaintiff's counsel. Additionally, in all instances, and to the extent, a deposition is noticed, such notice is to be provided in advance of said deposition upon Plaintiff's counsel.

**PLEASE TAKE FURTHER NOTICE** that Plaintiff reserves his right to supplement and/or amend the within notice and disclosure with any other information as may become available throughout the course of this litigation as permitted by the FRCP and/or as Court may allow.

Dated: New York, New York  
March 5, 2019

ELEFTERAKIS, ELEFTERAKIS & PANEK



JORDAN A. JODRÉ, ESQ. (JJ0028)

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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YEYSON MANUEL VARGAS-MOYA,

Plaintiff,

-against-

A. DUIE PYLE, INC. and LESZEK KEDZIERSKI,

Defendants.  
-----X

STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF NEW YORK    )

I, Jordan Jodré, being sworn, says: I am an attorney duly licensed to practice law in the State of New York and in the United States District Court, Eastern District of New York. I am not a party to the action, am over 18 years of age and reside in New York County, New York.

On March 5, 2019, I served the within **PLAINTIFF'S EXPERT DISCLOSURE PURSUANT TO FRCP RULE 26(a)(2) OF DR. LEONID REYFMAN** by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

SOBEL PEVZNER, LLC  
*Attorneys for Defendants*  
A. DUIE PYLE, INC. and LESZEK KEDZIERSKI  
464 New York Avenue, Suite 100  
Huntington, New York 11743

  
\_\_\_\_\_  
Jordan Jodré

Civil Action No.: 18-cv-00188  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Plaintiff,

-against-

A. DUIE PYLE, INC. and LESZEK KEDZIERSKI,

Defendants.

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**PLAINTIFF'S EXPERT DISCLOSURE PURSUANT TO FRCP RULE 26(a)(2)(C)  
OF DR. LEONID REYFMAN, M.D.**

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**ELEFTERAKIS, ELEFTERAKIS & PANEK**

*Attorneys for Plaintiff(s)*

80 PINE STREET, 38th Floor  
NEW YORK, NEW YORK 10005  
(212) 532-1116

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*To  
Attorney(s) for*

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*Service of a copy of the within*

*is hereby admitted.*

*Dated:*

\_\_\_\_\_  
*Attorney(s) for*

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☐ *PLEASE TAKE NOTICE that the within is a true copy of an Order signed by  
the Honorable  
that was entered in the office of the clerk of the within named Court on*  
**NOTICE OF ENTRY**

☐ \_\_\_\_\_  
*that an Order of which the within is a true copy will be presented for settlement to the  
, one of the judges of the within named Court for signature*  
Dated: New York, NY

**NOTICE OF SETTLEMENT**

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